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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,760	03/22/2004	Marcel Thibault	2816-2A	2434

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EXAMINER

KRAUSE, JUSTIN MITCHELL

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/806,760

Applicant(s)

THIBAUT, MARCEL

Examiner

Justin Krause

Art Unit

3682

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rod (claim 8) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, "the arrangement such that..." is indefinite because there is no antecedent basis for "the arrangement", making the scope of the claim unclear.

In claim 6, "generally accurate configuration" is indefinite because it is not clear what the phrase means. That constitutes a "generally accurate configuration" of the sidewalls is vague, and there is no basis to compare what is "accurate" to make clear the range that would be considered "generally accurate".

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

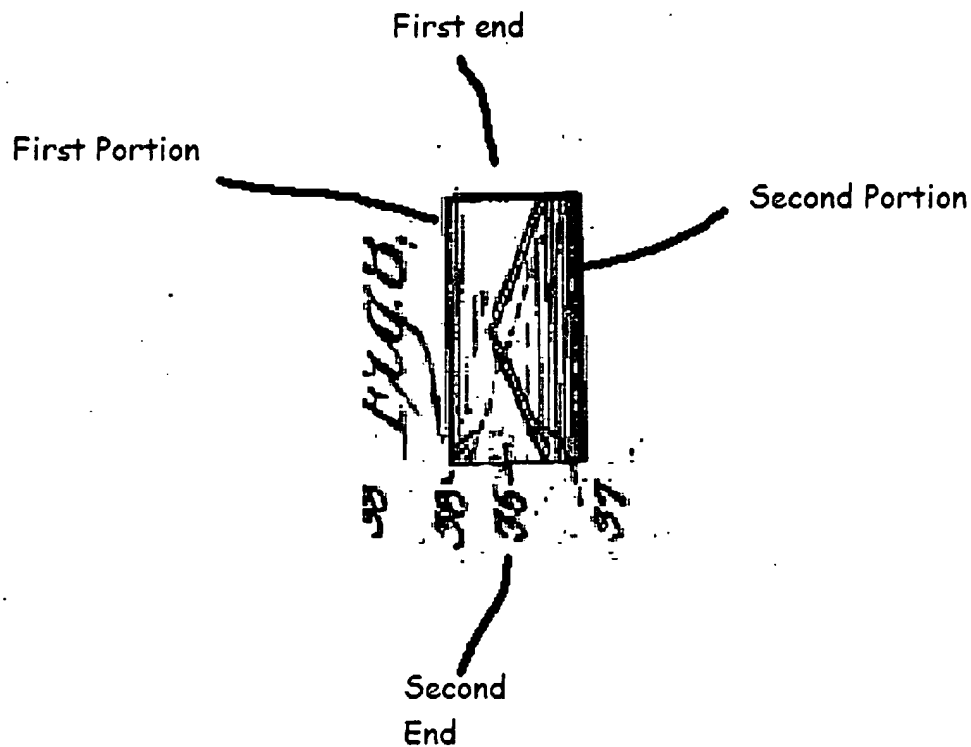
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 6 (as best understood) and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Green (US Patent 1,552,054).

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Green discloses a split bushing with a rod passing therethrough comprising first and second portions, a first end of each of said portions having a circumference which is less than 50% of the total bushing first end circumference, said second end of each of said portions having a circumference which is greater than 50% of the total bushing second end circumference, the arrangement being such that said first end of said first portion and said second end of said second portion form said first end of said bushing, and said second end of first portion and said first end of said second portion form said second end of said bushing. (see figure 8 and below)

Each of the first and second portions has first and second sidewalls extending between respective first and second ends having a generally accurate configuration.



***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green.

Green discloses all of the claimed subject matter as described above but does not specifically disclose a range of circumferential lengths for each of the first and second portion. Green does however disclose that the proportions in which the bushing is split is non-critical and may be split in parts with any departure from the normal slope of the adjoining edges (Page 2, lines 32-36), thus encompassing any percentage of circumferential lengths for the first and second parts without effecting the function of the device.

Since applicant has not provided showing of criticality or unexpected results that would result from the claimed ranges of circumferential length, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the circumferential lengths of the first end of the first and second portions to be between 20 and 35% or 25 and 30%, respectively as the proportion of the circumferential lengths is non-critical, the motivation would have been to provide a split bushing which facilitates adjustment of the two portions laterally (page 1, line 19).

8. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green in view of Flem (US Patent 5,145,265).

Green discloses all of the claimed subject matter as described above but does not disclose the material to be plastic or the bushing to have a flange.

Flem teaches a bushing made from a plastics material (Col 1, line 28, some examples listed in column 4 lines 29-30) for the purpose of resisting chemical and

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temperature related effects while providing low friction and good wear characteristics (col 4, lines 31-33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a plastics material, the motivation would have been resisting chemical and temperature related effects while providing low friction and good wear characteristics.

Flem also teaches the use of flanges on both ends of the bearing and notes that the use of such flanges is typical for the purpose of resisting longitudinal movement of the bearing from the bore in which the bearing is in (Col 1, lines 37-39).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use flanges as taught by Flem in the bushing of Green, the motivation would have been resisting longitudinal movement of the bearing from the bore in which the bearing is in.

9. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green in view of Itakura et al. (US Patent 4,659,180).

Green discloses all of the claimed subject matter as described above but does not disclose the material to be PVC.

Itakura teaches use of a PVC bushing to provide electrical insulation from electrical energy.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bushing plastic, specifically PVC the motivation would



have been to provide a layer of insulation from electrical energy from passing through the bushing from the housing to the rod.

***Conclusion***


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Krause whose telephone number is 571-272-3012. The examiner can normally be reached on Monday - Friday, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMK  
8/30/06

  
RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER